



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2024-05-22
Subject: Severance Application – E44-24 – Comments to Elgin County – Recommendation Report – Planning Report 2024-15

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-44-24 – Comments to Elgin County (Planning Report 2024-15);

And that West Elgin Council hereby recommends approval to the Land Division Committee for the County of Elgin for Severance application, File E-44-24, subject to the Lower-Tier Municipality conditions in Appendix One of this report;

And further that West Elgin Council directs administration to provide this report as Municipal Comments to the County of Elgin.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E44-24, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant at 25248 Queens Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

Background:

Below is background information, in a summary chart:

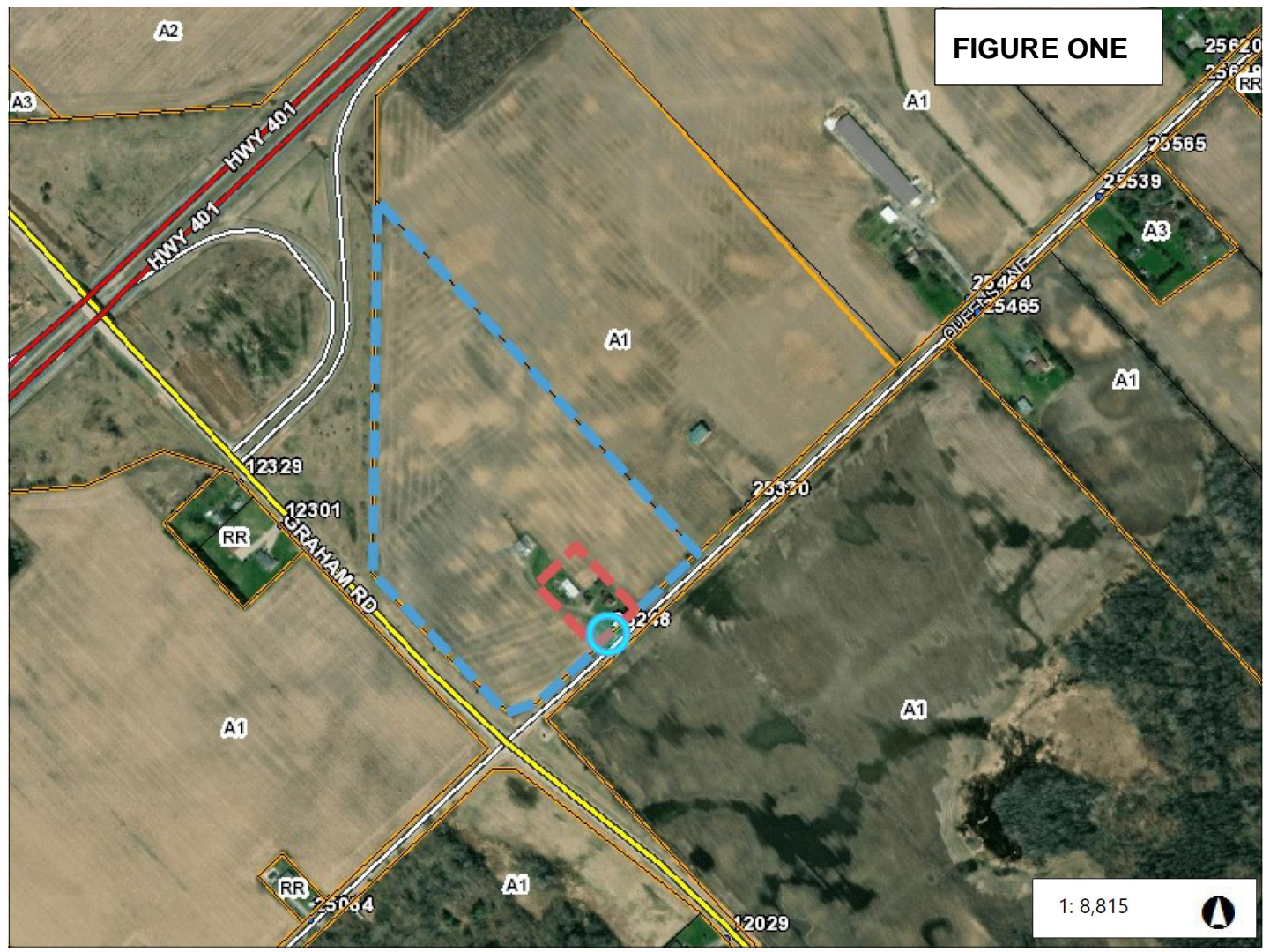
Application	E44-24
Owner	Jen-Veld Farms Inc.
Applicant	Eric Jensen & Lisa Veldman
Legal Description	Part Lot of 19, Concession 7 ED
Civic Address	25248 Queens Line
Entrance Access	Queens Line
Services	Private on-site septic system & municipal water
Existing Land Area	10.11 ha (25 ac.)

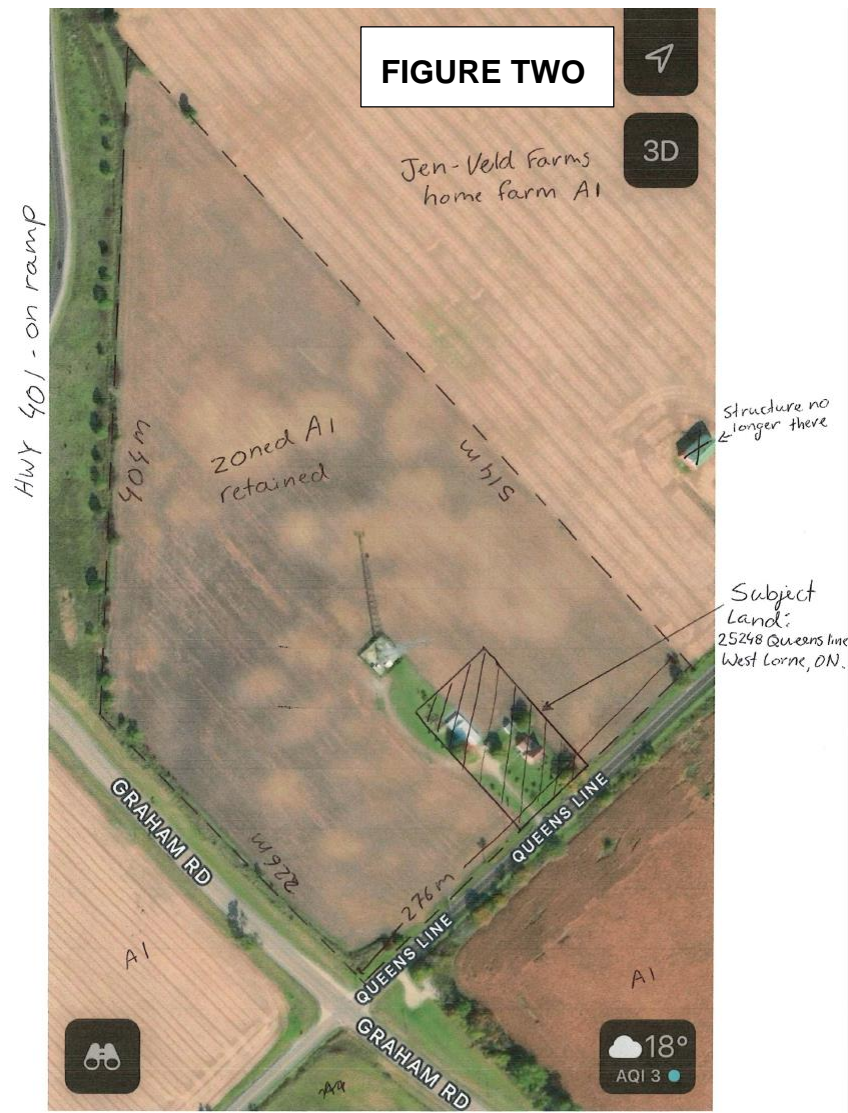
Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E44-24	48 m (157.5 ft.)	90 m (295.3 ft.)	0.432 ha (1.07 ac)	228 m (748 ft.)	irregular	9.68 ha (23.9 ac.)

The Public Hearing is scheduled for June 26, 2024, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.





Financial Implications:

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The severance may result in a minimal increase in assessment.

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS.

Comment: The proposed lot does include a small amount of actively farmed land to create a regular shaped lot and provide adequate room for the septic system both presently and longer term.

New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. There are livestock facilities within approximately 520 m of the proposed lot. However, severance of the existing dwelling does not create any additional impact on the livestock operation as the required setback would be calculated from the location of the nearest dwelling regardless of it being on the farm or a severed lot. The MDS I calculations were completed as a matter of record and the required setback, if applicable, is 482 m so the new lot would actually meet the requirement.

As such, the proposal is consistent with the PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. The residence to be severed is habitable and is surplus to the owners' farming operations. The residence is serviced by municipal water and a private individual on-site septic system.

Therefore, this proposal conforms to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;

- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The applicant has demonstrated that the residence is surplus to their farming operation and the dwelling has been in existence greater than ten years and is structurally sound and is currently occupied;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is a livestock operation within approximately 520 m of the proposed lot however the required setback, if applicable, is only 482 m;
- The proposed severed parcel does include a small amount of productive farmland to square off the lot and provide adequate long-term room for the provision of private on-site septic service; and
- There are no older farm buildings which are deteriorated, derelict or abandoned for consideration of removal.

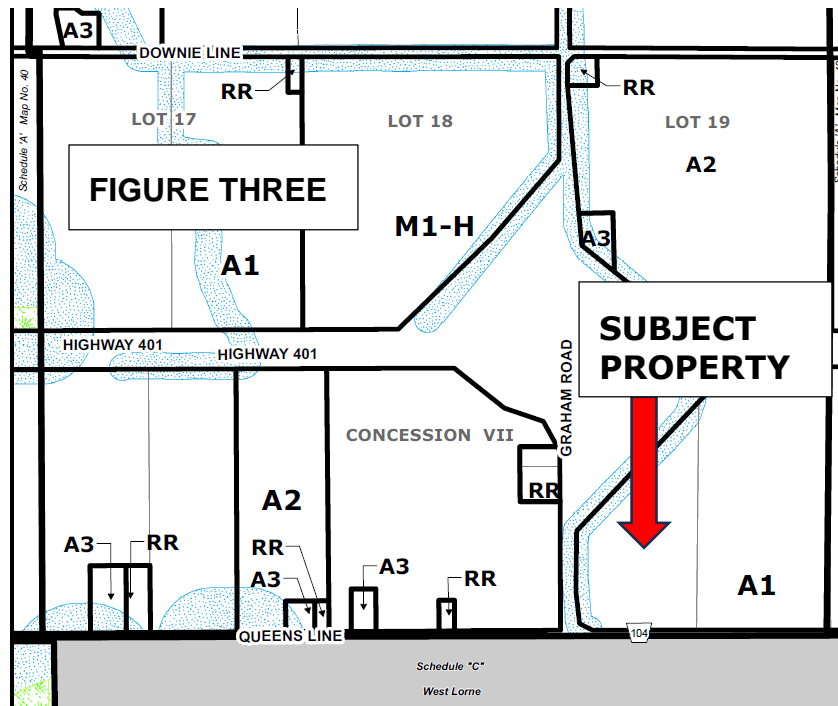
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms to the OP.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 41 of the ZBL, as depicted in Figure Three below. The blue hatch pattern on the mapping represents LTVCA regulated area. Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

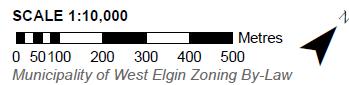
The proposed severed parcel area is 0.432 ha (1.07 ac.), with a lot frontage of 48 m (157.5 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel will be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning By-law.



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"



Map No. 41

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,

Robert Brown, H. Ba, MCIP, RPP
Planner, Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E44-24 - Comments to Elgin County - Recommendation Report - 2024-15-Planning.docx
Attachments:	- Planning Report 2024-15 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 5, 2024

This report and all of its attachments were approved and signed as outlined below:

Terri Towstiuć